

**CITY OF WRENS
CODE OF ORDINANCES
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CHAPTER 5

Peddling, Soliciting, Canvassing and Door-to-Door Sales

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Sec. 7-5-1 Definitions.

- a. City means the City of Wrens, Georgia.
- b. Regulatory Fee means payments, whether designated as license fees, registration fees, permit fees, or by another name, which are required by the City of Wrens as an exercise of its police power and as part of or as an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the City of Wrens. A regulatory fee may not include an administrative fee.
- c. Solicitor includes any person who solicits orders or donations door-to-door or house-to-house on behalf of a business, individual, charitable organization, vocation or occupation.
- d. Charitable Organization means any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) person, who solicits or obtains contributions solicited from the general public, any part of which contributions is used for charitable purposes.

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- e. Charitable purpose means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic, or public interest.
- f. Contribution means the promise or grant of any money or property of any kind or value.
- g. Solicitation, solicitation of funds or solicit means the request or acceptance directly or indirectly of money, credit, property, financial assistance, or any other thing of value.

Sec. 7-5-2 Exemptions.

- a. Persons, businesses and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the State of Georgia, are exempt from the requirements of this Chapter.
- b.
 1. Representatives or agents of charitable or nonprofit organizations or corporations registered with the Georgia Secretary of State, or tax-exempt organizations which have been recognized as such by the Internal Revenue Service of the United States Treasury Department, shall be treated as exempt from the regulatory fee provisions of this Chapter, provided that such organization first supplies proof of the recognized status to the City Administrator or other designated City representative and has received from the City Clerk written confirmation of its exempt status. In this subsection, “ proof ” shall include, but is not limited to, all documents and/or registrations required by the Georgia Secretary of State pursuant to the Georgia Charitable Solicitations Act of 1988 (O.C.G.A. § 43-17-1 et. seq.) and any applicable state or federal regulations as the same may be amended from time to time.
 2. The charitable or nonprofit organization shall furnish each of its agents or representatives with a copy of the City’s confirmation letter. Any organization qualifying under this section shall be required to obtain a solicitor’s permit from the City pursuant to Section 7-5-12 of this Chapter¹. The organization shall furnish the City Administrator and the Chief of Police with a list of such agents or representatives, and shall promptly notify these City representatives of changes in the list. Such list will contain the names, residential addresses, and social security numbers of the agents or representatives.
- c. Any sales representative who calls upon prospective customers at their prior invitation shall be treated as exempt from the provisions of this Chapter.
- d. Any sales representative who does not demand, accept or receive payments in advance of final delivery and who has had, for the previous six (6) months, a regularly established place of business or permanent residence in the county from which the sales representative transacts business or solicits orders on a continuing and ongoing basis within the county, shall be treated as exempt from

¹ For authority see: O.C.G.A. § 40-6-97.1

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the provisions of this Chapter. Any person who is exempt under this subsection must be soliciting orders only for goods capable of being delivered at one (1) time and must have on such person proper identification which substantiates the claim to an exemption. In this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth, and includes without being limited to a passport, military identification card, or driver's license, but shall not include a birth certificate.

Sec. 7-5-3 Violation of other ordinances and laws.

- a. It is unlawful for any person while engaging in any activity for which a permit is required by this chapter to:
 - 1. Violate any City ordinance;
 - 2. Solicit within an established fire zone of the City;
 - 3. Violate any criminal law of this state, or violate any state or federal consumer protection law.
- b. In this section "consumer protection law" includes the Fair Business Practices Act of 1975, (O.C.G.A. §10-10-410 et seq.), the Federal Consumer Credit Protection Act, and the Georgia Charitable Solicitations Act of 1988 (O.C.G.A. § 43-17-1 et seq.).

Sec. 7-5-4 Hours of Operation.

It is unlawful for any person to engage in any of the conduct for which a permit is required by this Chapter between the hours of 6:00 p.m. and 9:00 a.m., according to the standard time in effect.

Sec. 7-5-5 Restriction on number of persons soliciting.

It is unlawful for more than two (2) individuals to engage in solicitation upon any premises at the same time for the same goods or services, or religious or charitable purpose. Each individual member of a group engaged in solicitation in violation of this provision shall be deemed to have violated this section.

Sec. 7-5-6 Persons with criminal records.

It is unlawful for any person with a criminal record as described in Section 7-5-18, whether or not otherwise eligible for an exemption under Section 7-5-2, to engage in any of the activities for which a permit is required by this chapter.

Sec. 7-5-7 Frequency of solicitation of same premises.

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It is unlawful for any person and/or organization to make more than one (1) solicitation call at the same premises for identical goods or services within any consecutive two-week period, without receiving a prior invitation therefore from the occupant of any such premises. This section includes solicitation upon the same premises of any person or entity by employees, agents or representatives more than once during such period without a prior invitation.

Sec. 7-5-8 Solicitation to be at main entrance.

It is unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence.

Sec. 7-5-9 Announced purpose of call.

At each dwelling, whether it is an apartment unit or private residence, the solicitor shall inform the occupant in truthful unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game or other competitive endeavor, or that the solicitor is offering the occupant an opportunity to participate in any such contest, game or endeavor.

Sec. 7-5-10 Identification to prospective customers.

It is unlawful for any person, at the time of initial contact with a prospective customer, to fail to verbally identify himself for the purpose of the solicitation, and the company and product line or charitable organization and cause represented.

Sec. 7-5-11 Fraud, Misrepresentation, etc.

It is unlawful for any person engaged in solicitation to misrepresent the purpose of the solicitation or use any false or deceptive statements or any misrepresentation to induce a sale or contribution, or use any plan or scheme which misrepresents the status or purpose of the person conducting the solicitation.

Sec. 7-5-12 Permit Required.

Any person engaged in or desiring to engage in any type of selling, soliciting, canvassing, survey-making or any other business, occupation or vocation, which by its nature requires going from door to door or house to house in the residential and/or commercial areas of the City, whether on a temporary or a permanent basis and whether or not it is for any religious, charitable, nonprofit or profit-making organization, shall obtain a City solicitor's permit from the City Clerk.

Sec. 7-5-13 Application for Permit.

- a. *Questionnaire.* The City Clerk shall prepare a written questionnaire requiring pertinent information regarding the physical description, identity, and background of each applicant for a permit, to include the following:

1. Name, local address and telephone number;
2. Date and place of birth;

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3. Driver's license number and issuing state;
4. Social Security number;
5. Race and sex;
6. Height and weight;
7. Eye color and hair color;
8. Name, address and telephone number of the organization represented;
9. Name and telephone number of immediate supervisor;
10. Description of product/service or charitable cause;
11. Applicant shall provide photo identification (i.e. drivers license, military I.D., etc. – a copy shall be retained by City);
12. A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations;
13. The form shall bear a properly notarized signature of the applicant.

- b. The questionnaire form shall also bear the following statement:

“Georgia Code Section 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement.”

Sec. 7-5-14 Investigation and Issuance.

- a. Upon filing of an application for a solicitor's permit, the City Administrator shall review the application for the purpose of ascertaining whether the applicant has plead to, or has been convicted of, a felony, or a misdemeanor involving violence or moral turpitude. After ascertaining that the application has been properly completed and all required documents have been provided, and that the applicant has not been disqualified by virtue of prior pleas of conviction, the City Administrator or other authorized representative shall approve the application.
- b. In any case in which it appears to the City Administrator that a solicitor's permit should not be issued to an applicant, the City Administrator shall so inform the applicant, and upon the applicant's request, shall furnish the applicant with a reasonably detailed written statement of the reasons why the permit will not be issued. This written statement shall be provided to applicant with forty-eight (48) hours of the City Administrator's decision.
- c. Following approval of the permit application and prior to issuance of a permit, the applicant shall pay a non-refundable regulatory fee as established by the City Council. The regulatory fee under this Chapter is \$125.00 per application.
- d. Upon payment of the regulatory fee, the applicant shall receive from the City Administrator a copy of the regulatory fee certificate and a solicitor's permit. In addition, the City shall provide the applicant with an identification card bearing the applicant's name, organization, and identifying the applicant as a solicitor. The identification card shall also bear the signature of the City Administrator and the date of issuance and expiration.

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Sec. 7-5-15 Expiration and renewal.

Each solicitor's permit shall indicate thereon an expiration date which is one (1) month from the date of issue. Application for renewal may be made at any time following the seventh day preceding the date of expiration.

Sec. 7-5-16 Selling, renting, etc.

It is unlawful for any person to lend, rent or sell a solicitor's permit and/or identification card to another.

Sec. 7-5-17 Display of Identification Card.

The City Administrator shall furnish to each holder of a solicitor's permit a device suitable for attaching the identification card to the solicitor's outer clothing. No person shall act as a solicitor without wearing and displaying the identification card in a conspicuous manner. Such a person shall display such identification to any authorized person or potential customer upon request.

Sec. 7-5-18 Denial; suspension or revocation.

- a. No solicitor's permit shall be issued to any person who has been found guilty of any misdemeanor involving violence or moral turpitude any time within five (5) years prior to the date of application, nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that such person either has been pardoned, or that such person has been free from any legal restriction for a period of five (5) or more years prior to the date of application. In this section "conviction" and "found guilty" include verdicts or pleas of guilty, entered by a court of this state, a court of any sister state, or any federal district court. Any permit issued as the result of willful false statements or omissions in the solicitor's application for the permit shall be deemed null and void from the time of its issue.
- b. The permit of any solicitor charged with a felony, or a misdemeanor involving violence or moral turpitude shall be deemed suspended from the time of lawful arrest, formal accusation or indictment, whichever shall first occur; such suspension shall remain in effect until the solicitor is convicted or acquitted, or until the charge is dismissed, dead-docketed, nol-prossed or no-billed.
- c. The permit of any solicitor who is convicted of a felony, or of a misdemeanor involving moral turpitude or violence, shall be deemed revoked from the time of such conviction. The permit of any solicitor convicted of having violated any provision of this Chapter after issuance of the permit shall be deemed revoked from the time of such conviction.
- d. Any suspension or revocation occurring pursuant to the provisions of this Chapter shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.

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- e. It is unlawful for any person to act as a solicitor while such person's permit has been suspended or after it has been revoked.

Sec. 7-5-19 Surrender.

Each solicitor's permit shall remain the property of the City. Each permit holder shall surrender the permit and identification card to the City Administrator no later than three (3) business days following the expiration, suspension or revocation of the permit or upon the demand of the City, whichever occurs first.

Sec. 7-5-20 Appeals.

A person whom the City Administrator refuses to issue a solicitor's permit or whose solicitor's permit is suspended or revoked may appeal to the City Council at its next regularly scheduled public meeting.

Sec. 7-5-21 Amendment, repeal of provision.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the City to assess and collect any of the fees or other charges prescribed. Such amendment may increase or lower the amounts of fees due. The payment of any regulatory fee provided for shall not be construed as prohibiting the levy or collection by the City of additional fees upon the same person, organization, or business.

Sec. 7-5-22 Enforcement of provisions.

It is hereby made the duty of the City Administrator and City police department to see that the provisions of this chapter relating to solicitor's permits are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the City Administrator, Chief of Police, members of the police department, and their assistants to inspect all permits issued by the City, as often as in their judgment it may seem necessary to determine whether the permit held is the proper one for the solicitation sought to be transacted thereunder.

Sec. 7-5-23 Provisions to remain in full force and effect.

This chapter shall remain in full force and effect until changed by amendment adopted by the City Council. All provisions hereto relating to any form of fee herein levied shall remain in full force and effect until such fees have been paid in full.

Sec. 7-5-24 Conflict between specific and general provisions.

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.